

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

235385

STB Docket No. EP 665 (Sub-No. 1)

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RAIL TRANSPORTATION OF GRAIN, RATE REGULATION REVIEW

PEITION TO MODIFY PROCEDURAL SCHEDULE

The National Grain and Feed Association (“NGFA”), for the reasons hereinafter set forth, hereby petitions the Surface Transportation Board (“STB”) to modify the schedule in this proceeding to extend for 60 days the time periods for submitting opening and reply comments, respectively. In support of this request, the NGFA states the following:

The NGFA is a U.S.-based nonprofit trade association, established in 1986, that consists of more than 1,050 member companies from all sectors of the grain elevator, animal feed and feed ingredient manufacturing, integrated livestock and poultry, grain processing, biofuels and exporting business. NGFA members operate about 7,000 facilities nationwide that handle more than 70 percent of all U.S. grains and oilseeds. The NGFA also consists of 26 affiliated State and Regional Grain and Feed Associations, has a joint operating and services agreement with the North American Export Grain Association, and has a strategic alliance with the Pet Food Institute.

As the Board is aware, many of the NGFA’s member companies rely heavily on rail transportation to ship grain and grain products to customers in domestic markets, overland to

Canada and Mexico, and to export port locations for shipment to consumers overseas. In this regard, this and other proceedings undertaken by the STB designed to foster a more competitive rail environment are extremely important to the NGFA, its member companies, domestic and foreign consumers of grain-based products, and to the farmer-customers our industry serves.

As stated by the NGFA in response to the Board's rail rate reasonableness proceeding (Ex Parte 715), the current procedures and rules for challenging the reasonableness of railroad rates simply have not been found to be workable for shippers of grain and grain products, despite rapidly escalating rail freight costs. Therefore, the NGFA commends the Board for instituting this proceeding. In response to the Board's invitation, the NGFA has committed significant resources to develop and consider several different approaches and concepts for modifying the Board's current rate reasonableness rules and procedures as they apply to grain and grain products. Some of the approaches the NGFA is exploring – which the NGFA intends to submit as specific proposals for the Board's consideration – would represent new methodologies that require significant additional time for extensive study and analysis.

Further, as it develops these proposals and evaluates their feasibility to be used in a meaningful way, it is important for the NGFA to consider the views of its diverse membership of different types and sizes of rail shippers and receivers. The single best opportunity for NGFA to do that is during its 118th annual convention scheduled for March 30-April 1, 2014, which would occur after the current March 12, 2014 due date set by the Board for opening submissions. While the NGFA currently is canvassing its members and developing possible specific proposals in response to the Board's request, its annual convention provides the ideal venue for the Association to seek consensus from its diverse industry sectors on a workable approach for such

proposals. Additional time will then be required to finalize and submit the NGFA's specific proposals to the Board.

Finally, contemporaneous with this Petition, the NGFA is submitting a request to the Director of the STB's Office of Economics, pursuant to 49 C.F.R. §1244.9, seeking access to certain confidential Waybill Sample data for use by the NGFA's outside counsel and consultant in this proceeding. The requested extension should permit the NGFA's request to be processed, and for the data to be obtained, reviewed and analyzed for inclusion in the NGFA's submittals.

For all the reasons set forth above, the NGFA submits that the current March 12 date for filing opening comments in this proceeding should be extended for the NGFA and all other interested parties to enhance the opportunity to provide meaningful and substantive input to the Board on this proceeding. Accordingly, the NGFA hereby respectfully requests that the Board modify the procedural schedule in this case as follows:

Opening Comments:	May 12, 2014
Reply Comments:	July 11, 2014

Respectfully Submitted,



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